

"An act to amend article 773 b of 'An act to establish a Criminal Code for the State of Texas,'" and find the same correctly engrossed.

ED. RANDLE, Chairman.

House bill No. 5, "An act making an appropriation for mileage and *per diem* pay of members and the *per diem* pay of officers and employees of the Fourteenth Legislature," was read second time and passed to a third reading.

Senate bill No. 58, "An act prescribing the mode of proceeding in district courts, in matters of probate," was read second time, and on motion of Senator Dillard, one hundred copies were ordered printed.

On motion of Senator Ball, the Senate went into executive session.

IN SENATE.

On motion of Senator Culberson, the Senate adjourned to 10 o'clock A. M. tomorrow.

#### SIXTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, January 30, 1874. }

Senate met pursuant to adjournment.

(Senator Ball in the chair.)

Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

On motion of Senator Parker, the secretary was instructed to enter on the journal of to-day that the Senate did on yesterday, confirm and consent to the appointment of J. P. Ballinger, as one of the associate justices of the Supreme Court.

(President in the chair.)

Senator Culberson introduced a joint resolution "Asking our Senators and Representatives in Congress to procure an appropriation by Congress to improve the navigation of Soda Lake and Cypress Bayous." Read first time and referred to Committee on Internal Improvements.

Senator Randle, Chairman of Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 49, "An act to regulate the testimony of witnesses in cases of bribery;" also Senate bill No. 54, "An act to repeal 'An act to regulate the sale of lands under the decrees of courts,'" approved the thirteenth of August, 1870, and "An act entitled an act to repeal the third section and amend the second section of an act entitled 'An act to regulate the sale of lands under the decrees of courts,'" approved the thirteenth of August, 1870, passed the eighth day of May, 1871; also, Senate bill No. 53, "An act to

amend Article 587 of the Code of Criminal Procedure;" also Senate bill No. 51, "An act to regulate the holding of the District Court of Freestone county at its April term;" also Senate bill No. 27 1-2, "An act to amend Article 2994 of the Code of Criminal Procedure," each and all of which we find correctly engrossed.

ED. RANDLE, Chairman.

Senator Ireland, chairman of Judiciary Committee, submitted the following reports:  
*Hon. R. B. Hubbard, President of the Senate:*

Your committee, to whom was referred Senate bill No. 50, "An act making an appropriation to pay judgment in favor of E. N. Smith against the State," beg leave to report the same back with the recommendation that it do pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

The Committee on Judiciary respectfully ask leave to report that it has had under consideration Senate bill No. 29, entitled "An act to validate the registration of deeds and other evidences of title in certain cases," and report the same back with an amendment, by adding the words, "within this State or any other State," and recommend the passage of said bill as amended.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee to whom was referred House bill No. 49, entitled "An act to render valid and effectual the acknowledgment, proof and registration of all deeds and written instruments entitled to be recorded, which have been acknowledged or proved, between August 8, 1870, and May 6, 1871," beg leave to report the same back, with the remark that the Senate bill now under consideration on the same subject, is more comprehensive and preferable; they therefore recommend that said bill do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee to whom was referred Senate bill No. 23, entitled "An act to expedite business in the district courts," beg leave to report the same back, with the recommendation that it do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee to whom was referred Senate bill No. 38, "An act to change the name of David R. Clanton to David R. Cameron," beg leave to report that the laws are now ample to afford relief in such cases, and that under the Constitution, such bill would be invalid; the committee therefore recommend that the bill do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee, to whom was referred Senate bill No. 62, "An act to incorporate the Dallas Herald Printing Company," beg

leave to report the same back, with the recommendation that, under the Constitution, such an act would not be valid, and that there is now in force a general law, under which the parties at interest can incorporate themselves. The committee, therefore, recommend that the bill do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee, to whom was referred Senate bill No. 57, "An act to provide for the registration of voters in all towns and cities in this State not otherwise provided for," beg leave to report the same back, with the recommendation that it do pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee to whom was referred Senate bill No. 63, "An act to amend article five hundred and twenty-seven of the Code of Criminal Procedure, and to regulate change of venue in criminal cases," beg leave to report the same back with the recommendation that it do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee to whom was referred Senate bill No. 9, "An act to incorporate the Austin Omnibus Company," beg leave to report the same back with the recommendation that it do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee to whom was referred Senate bill No. 48, "An act to fertify land titles," beg leave to report the same back with the recommendation that it do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your committee to whom was referred Senate bill No. 56, "An act to regulate the collection of accounts from another State," etc., beg leave to report the same back, with an amendment, by striking out the word "conclusive," in fourth line from end of first section, and insert in lieu thereof the words "*prima facie*," and strike out all of section first after the words "sought to be charged," and recommend the passage of the bill as amended.

IRELAND, Chairman.

Senator Westfall, chairman of Committee on Education, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Education, to whom was referred House bill No. 17, entitled "An act to compel the sheriffs or ex-sheriffs, and the late treasurers of boards of school directors, or those claiming to have been such, or other officers in the several counties of this State, to make a complete and final settlement with county courts of said counties, and fixing penalties for failure to comply therewith," after examining the

said bill instruct me to report the same back, with the recommendation that it do pass.

W. H. WESTFALL, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Education to whom was referred Senate bill No. 39, "An act to amend section thirty-six, of 'An act to establish and maintain a system of public free schools,' passed April 30, 1873, after examination, instruct me to report the same back, with the recommendation that it do pass.

W. H. WESTFALL, Chairman.

Senator Wood, for Judiciary Committee, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your committee to whom was referred Senate bill No. 80, "An act concerning landlords and tenants," have carefully considered the same, and report the same back to the Senate with the recommendation that the same do pass.

All of which is respectfully submitted by the Judiciary Committee.

WOOD, for Committee.

Senator Wood introduced a bill entitled "An act for the relief of the several justices of the peace of the several counties in this State, making a list of the scholastic population of their respective counties, for the years A. D. 1872 and 1873." Read first time and referred to Committee on Education.

Senator Baker introduced a bill amending "An act to incorporate the Agricultural, Mechanical and Blood Stock Association of Texas," approved October 20, 1866. Read first time and referred to Judiciary Committee.

Senator Hobby introduced a bill entitled "An act to amend 'An act prescribing the times of holding the courts in the several judicial districts in the State,'" approved November 25, 1871. Read first time and referred to Judiciary Committee.

Senator Hobby introduced a joint resolution "Amending section thirteen, of article three, State Constitution." Read first time and referred to Committee on Constitutional Amendments.

Senator Bradshaw introduced a bill entitled "An act to amend 'An act to authorize the cancellation of patents in certain cases,'" approved February 3, 1854. Read first time and referred to Committee on Private Land Claims.

Message from the House received, announcing the passage of the following bills: Senate bill No. 7, "An act authorizing the County Court of Tyler county to levy a special tax for certain cases;" House bill No. 58, "An act validating the authentication and registration of certain instruments of writing."

Also, the announcement that the House had appointed Representatives Henderson, of Kendall, Smith of Houston, Moody,

Lawhon and O'Neal, to act with the committee on the part of the Senate, in the case of Judge Maney, of the Twenty-second Judicial District.

Also, the passage of a concurrent resolution: "granting the use of the Capitol building for certain purposes."

#### ORDERS OF THE DAY.

Senate bill No. 32, "An act to amend article seven hundred and seventy-three, *b*, of 'An act to establish a Criminal Code for the State of Texas.'" The bill was read third time and passed.

House bill No. 5, "An act making an appropriation for mileage and *per diem* pay of members and *per diem* pay of the officers and employees of the Fourteenth Legislature," was read third time and passed by the following vote:

Yeas—Senators Ball, Baker, Bradshaw, Bradley, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ireland, Ledbetter, Morris, Moore, Parker, Randle, Russell, Swift, Trollingier, Westfall and Wood—25.

Nays—Senators Allison—1.

Absent, not voting—Senator Stirman.

By leave, Senator Ball introduced a bill entitled "An act to define the Land Districts of Palo Pinto, Jack, Clay, Young and Eastland, and to make valid the surveys and locations made therein." Read first time, and referred to Judiciary Committee.

The President announced the following rooms, in addition to those heretofore assigned to committees: Committee on Internal Improvements room No. 7; Committee on Finance, Committee on Contingent Expenses, Committee on Claims and Accounts, Committee on Comptroller's and Treasurer's Accounts, room No. 8.

On motion of Senator Russell, Senator Dwyer was excused for five days from to-day.

By leave, Senator Allison introduced a bill entitled "An act to authorize the county courts to sell the public lands belonging to their respective counties." Read first time and referred to Judiciary Committee.

On motion of Senator Westfall, Senator Erath was added to the Committee on State Affairs.

By leave, Senator Ireland introduced a bill, entitled "An act to prevent speculations by officers and agents in county, city and town contracts and liabilities." Read first time and referred to Judiciary Committee.

By leave, Senator Ireland introduced a bill entitled, "An act to regulate the conduct of public officers." Read first time and referred to Judiciary Committee.

Under a resolution of the Senate passed some days since, in regard to the President of the Senate referring the different sub-

jects of the Governor's message to appropriate committees, the President of the Senate announced the following special references:

First, All that portion of the Governor's message relating to finance, is specially referred to Committee on Finance.

Second, That portion relating to education, to Committee on Education.

Third, That portion relating to internal improvements, to Committee on Internal Improvements.

Fourth, That portion relating to Constitution and constitutional amendments, to the Committees on Judiciary and Constitutional Amendments.

Five, That portion relating to Indian affairs and frontier protection, to Committee on Indian Affairs.

Sixth, That portion relating to retrenchment and reform, and regulating the hours of labor of employees in the departments at the Capitol, to the Committee on Retrenchment and Reform.

Seventh, That portion relating to general legislation, to Committee on Judiciary.

Eighth, That portion relating to public lands and sale thereof, to the Committee on Public Lands.

Senator Dillard introduced the following resolution:

*Resolved*, That the Committee on Internal Improvements be required to investigate the conduct of the different corporations operating railroads in this State, and to inquire especially whether any of said companies have exceeded the rates of charges allowed by their respective charters, and that they be empowered to call upon the president or other officers presiding over said corporations in the State for a schedule of the charges, embracing all their charges of rates for the last twelve months; and that they be empowered to send for persons and papers, if necessary, and that they be instructed to report by bill or otherwise the result of their investigation.

Adopted.

Senator Ireland moved to suspend the rules to take up House concurrent resolution granting the use of the capitol building for certain purposes. Rules suspended, resolution read and adopted.

By leave, Senator Ball introduced the following joint resolution:

*Resolved by the Senate, the House of Representatives concurring therein*, That his Excellency the Governor of the State be, and he is hereby authorized and empowered, to regulate the hours of labor in all the different departments of the State government.

Read first time and referred to Judiciary Committee.

On motion of Senator Flanagan the Senate adjourned to 10 o'clock A. M. to-morrow.